

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.2228 of 2016(O&M)

Date of decision:28.7.2016

Surjeet Singh

....Petitioner

VERSUS

Bhalinderjit Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. L.S. Sidhu, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 19.01.2016 (Annexure P-8) passed by Civil Judge (Junior Division), Malerkotla, District Sangrur whereby the Court has allowed application seeking permission to prove the compromise dated 18.11.2010 by way of secondary evidence.

Counsel for the petitioner has submitted that Surjeet Singh filed a suit for permanent injunction restraining the defendants from dispossessing the plaintiff and interfering in peaceful possession and enjoyment of plaintiff over land measuring 1 bigha 11 biswas detailed in headnote of the plaint (Annexure P-1). The suit was decreed by the trial Court and the decree holder remained successful up to Hon'ble the Supreme Court. It is further submitted that Surjeet Singh filed an application under Order 21 Rule 32 of the Code of Civil Procedure, 1908 to express his grievance against violation of the judgment and decree passed in his favour. The respondent filed reply to the application raising

certain objections which led to framing of issues and the parties have been permitted to adduce evidence in support of their respective contentions.

In reply filed by the respondent, they have set up a panchayati compromise (Rajinama) dated 18.11.2010 alleging that daughter of the plaintiff received Rs.4,50,000/- lakhs from the defendant for delivering possession of the disputed land. An application has been filed for proving the said document by way of secondary evidence with the plea that original compromise was lost on 31.10.2015 regarding which DDR No.1659 dated 13.11.2015 was lodged. The learned trial Court after hearing the parties allowed the application permitting the respondents/defendants to prove the panchayati Razinama dated 18.11.2010 by way of secondary evidence subject to existence of original and its loss.

Counsel for the petitioner is not in a position to convince the Court that the order passed by the trial Court is either contrary to the provisions of the Indian Evidence Act, 1872, dealing with secondary evidence or otherwise erroneous warranting intervention.

In view of what has been discussed hereinabove, finding no merit, the petition fails and is accordingly dismissed. However, it would be open for the executing Court to appreciate evidentiary value of the document, in accordance with law.

JULY 28, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no